

# EXHIBIT 4

**From:** [owner-pbm@listserv.motleyrice.com](mailto:owner-pbm@listserv.motleyrice.com) on behalf of [Sage Vanden Heuvel](#)  
**To:** [David@SpecialMaster.Law](mailto:David@SpecialMaster.Law)  
**Cc:** [Peter Mougey](#); [Page Poerschke](#); [PBM@LISTSERV.MOTLEYRICE.COM](mailto:PBM@LISTSERV.MOTLEYRICE.COM); [McGowan, Emily](#); [Tara MacNeill](#); [Boone, Brian](#); [Harder, Bradley](#); [Madison Shelquist](#); [Springer, Brandon](#); [Eric Lyttle](#); [Chemerinsky, Kim](#); [Jordan, Bill](#); [Olga Vieira](#); [Jonathan Cooper](#); [ESI-Opioids](#)  
**Subject:** RE: Discovery Conferences  
**Date:** Tuesday, February 13, 2024 10:20:56 PM

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**CAUTION:** This email message is **EXTERNAL**.

Dear Special Master Cohen,

Earlier this afternoon, the Plaintiffs and PBMs had their first meet-and-confer to discuss temporal and geographic scope objections. That meeting lasted approximately one hour, and during the conference the parties reached tentative agreement on several geographic scope issues.

Just a few hours ago, after the meet and confer, counsel for the Plaintiffs delivered their first response to Optum Rx's objections and discovery responses. A similar response was sent to Express Scripts on Friday, and the parties intend to meet and confer to discuss their positions. The PBMs are hopeful that the parties can reach agreement on their disputes through a good faith meet and confer process.

Nonetheless, Plaintiffs continue to press an informal process for bringing discovery issues to the Court. While we are willing to meet with the Court after a proper meet-and-confer and when issues are ripe for the Court's consideration, the PBMs object to informal discovery rulings. If counsel for the Plaintiffs believe that a discovery issue is ripe, they must bring a motion to compel, as Federal Rule of Civil Procedure 37 contemplates.

As to Plaintiffs' proposal for weekly meetings with the Court, the PBMs do not believe such a process would be practical or efficient. Among other issues, weekly conferences would discourage the parties from working things out on their own and meeting and conferring productively, instead relying upon the Court to settle each dispute.

Best,  
Sage

**Sage R. Vanden Heuvel**  
*Of Counsel*  
Quinn Emanuel Urquhart & Sullivan, LLP  
865 S. Figueroa Street, 10th Floor  
Los Angeles, CA 90017  
213-443-3657 Direct  
213-443-3000 Main Office Number  
213-443-3100 Fax  
[sagevandenheuvel@quinnemanuel.com](mailto:sagevandenheuvel@quinnemanuel.com)  
[www.quinnemanuel.com](http://www.quinnemanuel.com)

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**From:** Madison Shelquist <[mshelquist@levinlaw.com](mailto:mshelquist@levinlaw.com)>

**Sent:** Tuesday, February 13, 2024 3:08 PM

**To:** David@SpecialMaster.Law

**Cc:** Peter Mougey <[pmougey@levinlaw.com](mailto:pmougey@levinlaw.com)>; Page Poerschke <[ppoerschke@levinlaw.com](mailto:ppoerschke@levinlaw.com)>; PBM@LISTSERV.MOTLEYRICE.COM; McGowan, Emily <[Emily.McGowan@alston.com](mailto:Emily.McGowan@alston.com)>; Tara MacNeill <[taramacneill@quinnemanuel.com](mailto:taramacneill@quinnemanuel.com)>; Sage Vanden Heuvel <[sagevandenheuvel@quinnemanuel.com](mailto:sagevandenheuvel@quinnemanuel.com)>; Boone, Brian <[Brian.Boone@alston.com](mailto:Brian.Boone@alston.com)>; Harder, Bradley <[Bradley.Harder@alston.com](mailto:Bradley.Harder@alston.com)>; Springer, Brandon <[Brandon.Springer@alston.com](mailto:Brandon.Springer@alston.com)>; Eric Lyttle <[ericlyttle@quinnemanuel.com](mailto:ericlyttle@quinnemanuel.com)>; Chemerinsky, Kim <[Kim.Chemerinsky@alston.com](mailto:Kim.Chemerinsky@alston.com)>; Jordan, Bill <[Bill.Jordan@alston.com](mailto:Bill.Jordan@alston.com)>; Olga Vieira <[olgavieira@quinnemanuel.com](mailto:olgavieira@quinnemanuel.com)>; Jonathan Cooper <[jonathancooper@quinnemanuel.com](mailto:jonathancooper@quinnemanuel.com)>; ESI-Opioids <[esi-opioids@quinnemanuel.com](mailto:esi-opioids@quinnemanuel.com)>

**Subject:** Discovery Conferences

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[EXTERNAL EMAIL from [mshelquist@levinlaw.com](mailto:mshelquist@levinlaw.com)]

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Special Master Cohen:

Please see the attached correspondence from Peter Mougey.

Thank you,

**Madison Shelquist**

*Paralegal*

*Opioid Department*

Levin, Papantonio, Rafferty, Proctor,

Buchanan, O'Brien, Barr & Mougey, P.A.

316 S. Baylen Street, Suite 600

Pensacola, FL 32502-5996

850.435.7127 (office)

850.436.6127 (fax)

[mshelquist@levinlaw.com](mailto:mshelquist@levinlaw.com)



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